

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that claims 40-44 are allowable and that claims 34 and 47 contain allowable subject matter.

Disposition of Claims

Claims 24-48 are pending in this application. Claims 24, 40, and 45 are independent. The remaining claims depend, directly or indirectly, from claims 24, 40, and 45.

Rejection(s) under 35 U.S.C. § 112

Claim 25 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that the phrase “unique identification” is unclear as it fails to disclose the nature of the unique identification. Claim 25 is amended to recite that the unique identification is “configured to allow the image signal processor to select the liquid-filled lens.” No new matter is added by way of this amendment. Support for this amendment may be found, for example, in paragraph [0038] of the publication of the present application. Accordingly, Applicant asserts that claim 25 is now clear in the use of the phrase “unique identification.” Withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 102

Claims 24, 26-33, 37-38, 45-46, and 48 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Publication No. 2005/0213653 (“Min”). This rejection is respectfully traversed.

Applicant respectfully asserts that Min constitutes improper prior art under 35 U.S.C. § 102. Specifically, the present application claims foreign priority to Korean Patent Application No. 10-2003-0085041, filed on November 27, 2003. Thus, the present application has a foreign priority date under 35 U.S.C. § 119 of November 27, 2003. Further, claims 24-48 of the present application are fully supported by the original Korean priority document KR 10-2003-0085041, as evidenced by the verified translation of KR 10-2003-0085041, filed concurrently with this reply. With the submission of the verified translation, Applicant has perfected foreign priority to KR 10-2003-0085041.

Turning to the rejection, Min was filed on May 21, 2004, and claims foreign priority to Korean Application 10-2004-0021355, filed on March 29, 2004. For purposes of § 102, the effective U.S. filing date of Min is May 21, 2004, which is after the November 27, 2003 foreign priority date claimed by the present application. Accordingly, Applicant asserts that Min cannot be used to support the rejection of claims 24, 26-33, 37-38, 45-46, and 48 of the present application.

In view of the above, independent claims 24 and 45 are patentable over Min. Pending dependent claims 26-33, 37-38, 46, and 48 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 35-36 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Min. This rejection is respectfully traversed.

As described above, Min constitutes improper prior art under 35 U.S.C. § 102. Thus, Min cannot be used to support the rejection of claims 35-36, and 39 under 35 U.S.C. § 103. Accordingly, withdrawal of this rejection is respectfully requested.

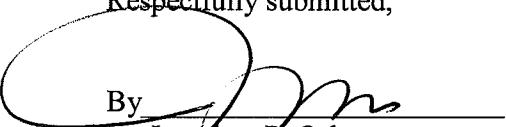
Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17187/025001).

Dated: November 10, 2008

Respectfully submitted,

By


Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant

Attachments (Translation of KR 10-2003-0085041)
(Statement Verifying Translation of KR 10-2003-0085041)